

Public Concerns About Co-Curricular Programs

The following procedure shall be used to address public concerns about a co-curricular program, including school district personnel involved in the program.

The concern must be first brought directly to the attention of the director/coach of the program by the individual(s) with the concern. The concern may be brought directly to the director's/coach's principal if the individual has a good faith belief that a student would be prejudiced by direct contact with the director/coach.

If the concern cannot be resolved between the individual(s) and the director/coach, the individual(s) with the concern shall contact the director's/coach's principal who will try to resolve the concern.

Upon receipt the concern the principal will request a written statement. This written statement of the concerns will be forwarded within 48 hours by the principal to the Human Resources Office. If the report was given verbally, the principal will personally provide a written summary within 48 hours. The principal shall also inform the building and district level activities director.

Investigation Procedures

The building principal upon receipt of a concern shall immediately undertake or authorize an investigation. In any case in which any one or more of the following circumstances exist, an outside-the-building district investigator will be used.

1. The building level administrator who would normally be responsible for the investigation expresses a concern about his/her ability to be unbiased;
2. The supervisor(s) of the building level administrator perceive a potential conflict or bias that would recommend a different investigator;
3. The complainant, because of some past experience or history expresses a concern about the person who would normally be assigned to investigate.

Initiating Complaint Resolution Procedure

After receiving a notice of a concern about a co-curricular program, the building principal, direct supervisor, or Human Resources Officer shall contact the complainant, and determine if an informal or formal investigation is appropriate, and determine if the complainant requests confidentiality. The building principal, direct supervisor, or Human Resources Officer will contact the individual charged with investigating the complaint to confirm if the investigation shall be an informal or formal process. Additionally the building principal, direct supervisor, or Human Resources Officer will inform the investigator of the complainant request for confidentiality.

Prohibition on Meeting with the Accused

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused.

Third-Party Assistance

School officials responsible for conducting/overseeing investigations are authorized to receive assistance from the district’s legal counsel throughout the process.

Investigation Timeframes

The informal resolution procedure shall be completed within 30 days of a responsible employee reporting the concern or incident to the Human Resources Officer unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused.

The formal resolution procedure shall be completed within 60 days of a responsible employee reporting the concern or incident to the Human Resources Officer documents reasons for delays and communicates these reasons with the complainant and accused.

Interim Measures

Pending the final outcome of an informal or formal investigation, the District shall institute interim measures to protect the complainant and inform him/her of support services available. These interim measures should have minimum impact on the complainant.

Informal Resolution Procedure

This procedure shall only be used when mutually agreed to by complainant and the investigator.

During this process, the investigator shall only gather enough information to understand and resolve the concern. Based on this fact-gathering process, the investigator shall propose an informal solution, which may include, but not be limited to, requiring the accused to undergo training, requiring all students and staff to undergo such training, instituting protection mechanisms for the complainant, and/or holding a formal meeting with the accused to review the concerns. Both the complainant and the accused must agree to the informal resolution before it can be instituted.

The investigator shall monitor the implementation and effectiveness of recommendations and initiate the formal resolution procedure below the concerns persists. Both the complainant and the accused have the right to terminate the informal procedure at any time to pursue a remedy under the formal grievance procedure.

Formal Resolution Procedure

If the alleged concern constitutes a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation.

The fact-gathering portion of the investigation shall be carried out by the Principal and shall consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged concern and may involve gathering and review of information relevant to the concern. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation shall be completed within 15-20 calendar days or as soon as practical. After gathering this information, the Principal shall determine if a recommendation for expulsion for an accused student or discharge for an accused advisor or coach should be made. If this recommendation is made, the hearing shall be held in accordance district policy and law.

Investigation Report

After the fact-gathering process and, if applicable, hearing is complete, the Principal (if a hearing was held) shall complete a written report containing a determination of whether concerns or allegations were substantiated, whether any district policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis.

The investigation letter shall indicate if any measures shall be instituted to protect the complainant. Such measures may include, but not be limited to, extending any interim protection measures taken during the investigation. The letter shall also inform the complainant of support services available.

The investigation letter shall contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

The resolution listed in the investigation report shall be final and binding; however, nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

Disciplinary Action

Upon receipt of an investigation letter which indicates that the concern is valid, the Human Resources Officer shall review the findings and recommendation of the Principal and confirm or determine the appropriate disciplinary action if the individual(s) against whom the concern is filed is an employee. Disciplinary action shall be appropriate to the severity of the concern and may include warning, referral of an employee to the Employee Assistance Program, suspension, resignation, or discharge.

If a substantiated concern is filed against a student, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be appropriate to the severity of the discrimination/harassment or retaliation and may include warning, suspension, or expulsion.

The results of the investigation and the disciplinary action taken will be reported in writing to the complainant by the Principal or Human Resources Officer within ten working days following the receipt of the investigation report which validated the concern.

If after the above procedures have been followed and either the individual(s) or coach/director involved is dissatisfied with the results, the dissatisfied individual may make a written request for review to the Superintendent of Schools or the Superintendent's designee. The written request for review shall recite the specific reasons for the concern and must show that prior procedures have been followed.

The Superintendent of Schools or the Superintendent's designee shall examine the written request for review and the prior written decisions from the principal. The Superintendent or the Superintendent's designee may also conduct his/her own investigation if he/she deems it appropriate. The Superintendent or the Superintendent's designee shall issue a written decision regarding the matter to the individual(s) requesting review and shall provide copies of his/her decision to the other individual(s) involved, including the principal and the activities director. The written decision shall be provided to the individual(s) no later than thirty (30) calendar days after receipt of the written request for review.

Should individual school Board members be approached by an individual(s) with concerns about a co-curricular program, the individual(s) should be informed of the procedures included within this policy and shall be informed to contact the appropriate director/coach.

Reprisal

The School District will discipline any individual who retaliates or takes adverse action against any person who reports a concern or who testifies, assists, or participates in an investigation. The complainant or the individual(s) against whom the concern is filed may appeal to the Superintendent of Schools if he or she believes they have not received fair treatment under this policy. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

Document Retention

All investigation reports will be forwarded and filed with the Human Resource Department.

Students

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

Staff

For employees, investigation reports shall be retained by the District during the time of employment and six years post-employment. In accordance with NDCC 15.1-17-04, a complaint against a teacher, an individual for whom the teacher is administratively responsible or a staff member will be placed in the personnel file. The school principal, administrator, or school district superintendent shall inform the employee of the complaint.

Employee Assistance Program

The Fargo School District provides the Employee Assistance Program (EAP). The intent of this program in this case would be to help the employee deal with the psychological effects of being involved in a complaint process.

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Reviewed 8/2020
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COMPLAINT REPORT FORM

Complainant: _____ **Student/grade or Employee (circle)**

Home Address: _____ **Phone:** _____

School: _____ **Date:** _____

Summary of the Alleged Complaint/Conduct

1. Date(s) on which alleged conduct occurred:
2. Names of witnesses (please specify whether employee, student, or other):
3. Describe in detail (include where and when) the specific incident(s) that are the basis of this complaint. Include verbal statements (e.g. threats, demands), or physical threats that are relevant. (Use additional sheets if needed.)
4. Suggestion for remediation:

CERTIFICATION

I certify and affirm that I have read and understand the information requested in this form and that my statements in response to these requests are true and correct.

Signature of Complainant

Date